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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,402	07/26/2004	Eiichi Soga	Q82699	5366

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EXAMINER

WILLIAMS, THOMAS J

ART UNIT PAPER NUMBER

3683

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/502,402

Applicant(s)

SOGA ET AL.

Examiner

Thomas J. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 2 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 14, 2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3,141,660 to Clarke et al.

Re-claim 1, Clarke et al. disclose a closed end type coil spring, characterized in that a coupler 12 is fixedly mounted between an outer peripheral surface of a terminal convolution, the terminal convolution is partially flattened; and an outer peripheral surface of a subsequent convolution to the terminal convolution, such that the coupler is brought into close contact with the outer peripheral surface of each of the terminal convolution and subsequent convolution (see figure), whereby and amount of deflection of the coil spring is decreased, see column 1 lines 24-36, when the coupler is compressed between the outer peripheral surface of the convolution and the outer peripheral surface of the subsequent convolution, see column 2 lines 10-14, 18-20 and 36-40. Clarke et al. disclose that the coupler element can be bonded directly to the outer

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periphery of the coils in question (as in the instant invention, see page 8 lines 1-4), and that any pre-selected number of coils can be rendered ineffective at any particular deflection of the coil spring, this includes the initial deflection if desired.

Re-claim 2, the coupler is an elastic material, note the cross hatching in the figure.

Response to Arguments

4. Applicant's arguments filed June 14, 2006 have been fully considered but they are not persuasive. Clarke et al. disclose a situation in which the coupler can be fixedly bonded to the peripheral surfaces of adjacent coils. This is substantially similar to the instant invention, as stated above. Furthermore, it appears that by rendering a select number of coils ineffective one can eliminate the deflection of those coils. Thus the initial deflection of a select number of coils can be achieved by utilizing the apparatus of Clarke et al.

It is noted that figures R1 and R2 in the remarks section do not appear to properly represent the instant invention. The figures and remarks seem to indicate that by utilizing the instant invention one can eliminate initial deflection of the spring. However, instant figures 5a and 5b clearly indicate that some initial deflection remains, this is also supported by the disclosure, see page 4 lines 26-29 to page 5 lines 1-5. Furthermore, it appears that graph B1 (in figures R1 and R2) representing one possible deflection state of Clarke et al. is substantially similar to instant figures 5a and 5b. Therefore, it appears that utilizing the apparatus of Clarke et al. one can achieve the results of the instant invention. As such the rejection is maintained.

Conclusion

5. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128.

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The examiner can normally be reached on Tuesday from 1:00 PM to 7:00 PM and Wednesday-Friday from 6:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan, can be reached at 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

August 9, 2006

THOMAS J. WILLIAMS
PRIMARY EXAMINER

Thomas Williams
AU 3683
8-9-06